

Beiersdorf 584.2-HCL
6713-Dr. Rswk

exception of the coating limitation (see attached sheet for comparison of claims), i.e. the scope of the claims has been expanded so that the amphiphilic metal oxide microfine particles are not limited by the means by which they are made to be amphiphilic.

Claims 27-30 correspond to claim 13, the subject matter of which was cancelled during the prosecution of the parent application.

If the only issue preventing allowability of the claims is the lack of a terminal disclaimer to overcome a obviousness-type double patenting rejection, the examiner is encouraged to telephone the undersigned (A faxed copy of the appropriate terminal disclaimers can be provided within 48 hours or less - Given the cost (\$110 per terminal disclaimer), the applicants prefer not to file the terminal disclaimers until there is an indication of allowable subject matter.)

Early and favorable action is earnestly solicited.

Respectfully submitted,
NORRIS McLAUGHLIN & MARCUS, P.A.

By Howard C. Lee
Howard C. Lee
Reg. No. 48,104

HCL:vif

Attachment: Comparison of pending claim 14 with claim 14 from 09/396,560

220 East 42nd Street
30th Floor
New York, New York 10017
(212) 808-0700

CERTIFICATE OF MAILING

I hereby certify that the foregoing Preliminary Amendment is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Hon. Assistant Commissioner for Patents, Washington, D.C. 20231, on the date indicated below:

Date: 21 February 2002

By Howard C. Lee
Howard C. Lee

COMPARISON OF PENDING CLAIM 14 AND CLAIM 14 OF 09/396,560

14. (PENDING CLAIM SHOWING DIFFERENCES FROM CLAIM 14 OF '560)

A Pickering emulsion, said Pickering emulsion being a finely dispersed water-in-oil or oil-in-water system, said Pickering emulsion comprising:

- a) an oil phase comprising at least one wax and/or at least one oil thickener;
- b) an aqueous phase;
- c) microfine particles, said microfine particles being metal oxides:
 - i) having an average particle size of less than 200 nm;
 - ii) being dispersible both in water and in oil; and
 - iii) having both hydrophilic and lipophilic properties resulting in amphiphilic character; [and
 - iv) being selected from the group consisting of metal oxides, which
are coated on the surface thereof with:

(A) a dimethylpolysiloxane and/or silica gel; and
(B) aluminium hydroxide and/or alumina and/or silicon dioxide;]
- d) at least one film former; and
- e) at most 0.5% by weight of one or more emulsifiers.

14. (FROM '560)

A Pickering emulsion, said Pickering emulsion being a finely dispersed water-in-oil or oil-in-water system, said Pickering emulsion comprising:

- a) an oil phase comprising at least one wax and/or at least one oil thickener;
- b) an aqueous phase;
- c) microfine particles, said microfine particles being metal oxides:
 - i) having an average particle size of less than 200 nm;
 - ii) being dispersible both in water and in oil; and
 - iii) having both hydrophilic and lipophilic properties resulting in amphiphilic character; [and
 - iv) being selected from the group consisting of metal oxides, which
are coated on the surface thereof with:

(A) a dimethylpolysiloxane and/or silica gel; and
(B) aluminium hydroxide and/or alumina and/or silicon dioxide;]
- d) at least one film former; and
- e) at most 0.5% by weight of one or more emulsifiers.